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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-10-00788-CW
	)	
Plaintiff,	)	
	)	STIPULATED REQUEST TO CONTINUE
v.	)	HEARING DATE TO JANUARY 19, 2011
	)	AND TO EXCLUDE TIME UNDER THE
	)	SPEEDY TRIAL ACT AND ORDER
RAUL ORTEGA LONGINO,	)	
	)	Hearing Date: December 15, 2010
Defendant.	)	Time: 10:00 a.m.
	)	
	)	

The above-captioned matter is set on December 15, 2010 before this Court for a status hearing. The parties jointly request that the Court continue the matter to January 19, 2011 at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between December 15, 2010 and January 19, 2011.

On October 28, 2010, the Grand Jury charged Mr. Longino with illegal reentry following deportation, in violation of 8 U.S.C. §1326. If convicted, Mr. Longino faces a statutory maximum of 20 years imprisonment.

The current status of the case is that the parties are negotiating this matter and anticipate that there will be a negotiated disposition of the case. In the meantime, the government has produced discovery to the defense and defense counsel needs additional time to review and

1 process the discovery provided. The defense also requires additional time to complete its  
2 investigation of the circumstances of the offense and to assess and confirm Mr. Longino's  
3 Guidelines range.

4 The requested continuance will allow the defense to complete its review of the discovery,  
5 to investigate the underlying facts of the case, and to research and to confirm Mr. Longino's  
6 Guidelines range. For this reason, the parties agree that the failure to grant this continuance  
7 would unreasonably deny counsel for defendant the reasonable time necessary for effective  
8 preparation, taking into account the exercise of due diligence.

9 The parties further stipulate and agree that the ends of justice served by this continuance  
10 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the  
11 parties agree that the period of time from December 15, 2010 to January 19, 2011, should be  
12 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)  
13 and (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due  
14 diligence.

15 DATED: December 9, 2010

\_\_\_\_\_  
/S/  
WILLIAM R. PLETCHER  
Assistant United States Attorney

16  
17  
18 DATED: December 9, 2010

\_\_\_\_\_  
/S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. Given defense counsel's need to complete its review the discovery;
2. Given that the defense needs additional time to investigate the underlying facts of the case, to review records and to research defendant's sentencing Guidelines range;
3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of December 15, 2010, scheduled at 10:00 a.m., is vacated and reset for January 19, 2011, at 10:00 a.m., before the sitting United States Magistrate Judge. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from December 15, 2010 to January 19, 2011.

December 10, 2010



DONNA M. RYU  
United States Magistrate Judge